

### **REMARKS**

Prior to entry of this Amendment, claims 1-4 and 7-11 were pending in this application. Claim 1 has been amended, no claims have been added, and no claims have been canceled. Therefore, claims 1-4 and 7-11 remain pending in this application. Applicants respectfully request reconsideration of these claims for at least the reasons presented below.

#### ***35 U.S.C. § 102 Rejection, Flitcroft***

The Office Action has rejected claims 1-4 and 7-11 under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent No. 6,636,833 to Flitcroft et al. (hereinafter "Flitcroft"). The Applicant respectfully submits the following arguments pointing out significant differences between claims 12-14, 22 and 23 submitted by the Applicants and Flitcroft.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully argue that Flitcroft fails to disclose each and every claimed element. For example, Flitcroft fails to disclose, either expressly or inherently, providing control of product usage parameters to the account holder as recited in claim 1.

Flitcroft is directed to "a credit card system and method offering reduced potential of credit card number misuse." (Col. 1, lines 19-21) More specifically, Flitcroft discloses "a credit card technique involving: maintaining a pool of credit card numbers which share identical formatting; assigning at least one credit card number from the pool of credit card numbers to be a master credit card number; assigning at least one credit card number from the pool of credit card numbers to be a limited-use credit card number which is deactivated upon a use-triggered condition subsequent; and associating the master credit card number with the limited-use credit card number, while ensuring that the master credit card number cannot be discovered on the

basis of the limited-use credit card number." (Col. 4, line 61 - col. 5, line 4) "The technique further comprises: receiving notification that the limited-use credit card number has been used in a credit card transaction; determining whether a limited-use event has occurred based on the notification, and if so, generating a deactivation command; and deactivating the limited-use credit card if a limited-use event has occurred." (Col. 5, lines 5-10)

That is, Flitcroft discloses a limited use card that is deactivated after the occurrence of some condition. The conditions or limitations are placed on the limited use card are described in detail in Col. 16, lines 5-62, a portion of which is cited by the Office Action. Specifically, the portion of Flitcroft cited by the Office Action recites in total: "these limitations can be assigned by the issuer in a predetermined manner or can be imposed according to the requests of the card holder." (Col. 16, lines 20-22) However, the Applicants respectfully submit that Flitcroft does not disclose, expressly or inherently, providing control of product usage parameters, i.e., usage limitations, to the account holder. Rather, the usage limitation of Flitcroft are assigned and maintained by the issuer and can be imposed by the issuer in response to requests by the card holder. That is, under Flitcroft, the issuer maintains control of the usage limitations and does not provide control of the usage limitations to the card holder. The Applicants submit that Flitcroft is actually like the method of controlling usage parameters described in the background section of the present application on page 4.

Claim 1, upon which claims 2-4 and 7-11 depend, recites in part "providing control of said product usage parameters to the account holder." Flitcroft does not disclose, expressly or inherently, providing control of product usage parameters, i.e., usage limitations, to the account holder. Rather, the usage limitation of Flitcroft are assigned and maintained by the issuer and can be imposed by the issuer in response to requests by the card holder. For at least these reasons, the rejection should be withdrawn and claims 1-4 and 7-11 should be allowed.

**35 U.S.C. § 103 Rejection, *Flitcroft in view of Walker***

The Office Action has rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Flitcroft as applied to claim 3 in view of U. S. Patent No. 6,327,573 to Walker et al. (hereinafter "Walker"). The Applicants respectfully requests withdrawal of the rejection and allowance of the claim for at least the reason that claim 11 depends upon claim 1 that is thought to be allowable as described in detail above.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

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Respectfully submitted,

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